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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,496	04/02/2001	Toshiharu Uchida	Q63783	8575

7590 11/07/2005

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EXAMINER	
BAYERL, RAYMOND J	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/822,496	UCHIDA, TOSHIHARU	
	Examiner	Art Unit	
	Raymond J. Bayerl	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 4 - 5, 7 - 9, 11 - 12, 15 - 16, 18 - 20, 22 - 31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4 - 5, 7 - 9, 11 - 12, 15 - 16, 18 - 20, 22 - 31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *2 April 2001, 10 May 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 4 – 5, 7 – 9, 11 – 12, 15 – 16, 18 – 20, 22 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kariya ("Kariya"; US #6,169,897 B1) in view of Hancock et al. ("Hancock"; US #6,202,023 B1) and Liu et al. ("Liu"; US #6,349,257 B1).

As per independent claim 1's "menu display system" that involves "obtaining menu information linked to an area corresponding to the detected current position" (see also independent claim 12), please note that Kariya's MOBILE COMMUNICATIONS SYSTEM, in having CAPABILITIES TO ACCESS LOCAL INFORMATION RESOURCES, makes connection to a URL list server to obtain a link list page (Abstract), as in "controlling the menu display by using the menu information". More specifically, and as shown in Kariya's fig 1, a terminal 2 makes access to a relevant link list page (e.g., the "hyper text" of claims 9, 20), after which the display unit 2d presents the local URL list to the subscriber (col 4, lines 43 – 63). Please note further the example given in Kariya's fig 4 of the local URL list (link list page), as is specific to the West District of Yokohama.

Kariya determines the mobile user's position based upon the location of one of radio base stations 1a – 1n, and is therefore somewhat deficient in its handling of "a menu display in accordance with map data". However, Hancock's INTERNET BASED GEOGRAPHIC LOCATION REFERENCING SYSTEM, in which services are accessed over a computer network, such as the Internet, for users in a mobile environment based

on their geographic location (Abstract), makes use of an automatic location identifying (ALI) device, such as a GPS receiver (col 3, lines 1 – 45). Responsive to transmitted location information, Hancock's client is automatically presented with a map of the current geographical area. See also col 9, line 65 – col 10, line 23.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to access and generate a Kariya-style "menu", downloaded to and buffered within a "menu information storage device", on the basis of "map data" and a "detected current position", as per Hancock, because this enables a greater flexibility and precision in the list retrieval accomplished by Kariya, since the Hancock client reports directly upon its "position" to the host system at base station 1306 (fig 13).

Though one might presume that the menuing interfaces of both Kariya and Hancock need to begin operations with a certain quantity of generic information that might suggest claim 1 and 12's limitations, directed to "predetermined fixed menu information" that accompanies the "updated menu information", an **explicit** teaching of such a feature in the combination of those two references is not evident.

However, Liu's SYSTEM FOR PERSONALIZED MOBILE NAVIGATION INFORMATION is one in which choices presented to the user of the navigation system (abstract) contain the initial generic choices such as is shown figs 4 – 6, so as to provide a resulting list that is ordered according to the user's preference (col 7, lines 1 – 17).

Thus, it would have been further obvious to the person having ordinary skill in the art to use a system of "predetermined" and "updated" information in a menuing system like Kariya's when adapted as per Hancock, given that Liu's analogous disclosure is of presenting both generic and position-specific navigation information to a mobile user. With Liu, the resulting combination will be able to present generalized and particular choices on an ongoing basis, in a single device.

The "radio communication device" of claims 4, 15 is clearly taught by Hancock (col 24, lines 14 – 38), and the "center side server" is to be found in the primary server 1314 depicted in Hancock's fig 13. The connection between Hancock's base station 1306 and the primary server is "the Internet" 1318, as in claims 5,16.

In traversing the menu structure of Liu, a "menu selecting device" as in claims 7, 18 is needed, so as to access the various screens of the system and provide the proper and relevant combination of "fixed" and "updated menu information". This "selecting device" (claims 8, 19) "can select any one of a plurality of kinds of the updated menu information", since various options for roadside services can be found in Liu.

Claim 11, which uses a "radio communication" connection through a "center side server", is rejected using a line of reasoning similar to the one that applies to claim 4.

Independent claim 22 also produces a "fixed" and "additional menu information" display via a position reported to the "center side" server, but also "through the Internet", and is thus rejected using a line of reasoning similar to that presented for claim 5 above.

As per claims 23, 24, 28, in which "an event information at a neighborhood of the

current position" is indicated, please note that Kariya also refers to EVENTS in the local URL list (fig 4).

Independent claim 25's "menu display apparatus" is one in which "position detection" (as in Hancock) is used to obtain "an additional menu option" (as in Kariya) that is displayed "with the predetermined menu option" that appears "regardless of an area" (as in Liu).

As per claim 26's reception of "additional menu information from a source remote from the movable body", this reads upon Kariya, who similarly accesses "remote" information from a "movable body". In combination with Hancock, the "additional menu information" as Liu might present varies "when the movable body enters the particular area" (claim 27).

Independent claim 29's "menu information providing apparatus" embodies a "transmitter" and "memory that stores additional menu information relating to an event occurring in a particular area in which the transmitter is located", but this again reads upon the primary server arrangement found in Hancock, when used to forward "additional menu information" as in the "additional" display of Liu, to a receiving subscriber (at the "mobile body") in Kariya.

As per new claims 30, 31, it has already been noted that a display incorporating position-independent, generic choices as in Liu will "display the predetermined fixed menu information regardless of an area in which the current position of the movable body is located."

3. Applicant's arguments filed 7 September 2005 have been fully considered but they are not persuasive.

Applicant's arguments are based, first, on noting the Examiner's indication at page 11 that "Kariya and Hancock do not suggest the claimed features discussed above.", followed by an in-depth discussion of the alleged shortcomings of the reference Liu. At page 13, applicant specifically argues that "Lui [i.e., Liu] does not suggest that, when the menu information within the menus is updated, updated menu information is displayed along with predetermined fixed menu information." However, it remains that Liu teaches a combination interface in which generic choices are presented in querying the user as to desired accommodations, as in "predetermined fixed menu information". Along with this come location-specific choices, as in "updated menu information". This is sufficient, in combination with Kariya's list-making and Hancock's position reporting, to render obvious a "menu display system" such as claim 1's, which is made "to display updated menu information with the predetermined fixed menu information".

Applicant recognizes that the Examiner has interpreted Liu in this manner, in the arguments bridging pages 13 – 14 that conclude that "the 'updated menu information' in the resultant list is not displayed with the 'predetermined fixed menu information' in Figs. 4-6 as claim requires". However, the term "with" can be reasonably interpreted to refer to any single display interface in which joint presentation of the two types of "menu information" takes place, and it does not require that the "display" occur in a single image output. This means that Liu's sequence of images accomplishes what is not

explicitly shown in the Kariya/Hancock combination, in generating a single display that presents "fixed" and "updated" choices.

Applicant further argues at page 14 that "Lui does not teach how the resultant list is displayed, if the list is even displayed at all. ... the device 14 may use the list to merely display points of interest on a map and may not display the list as a 'menu'". However, it is enough that any kind of list is produced at all in Liu, to suggest the obvious modification of a "menu"-generating arrangement such as Kariya's. Applicant is even willing to admit that a "display" *per se* of "points of interest" can occur in Liu, and this can be interpreted in itself as a "menu".

Applicant's arguments on pages 15, 16, concerning claims 25, 29, return to the matters of Liu's allegedly not including menus that have both "predetermined" and "additional menu information", or even that Liu's "resultant list" is "a menu with menu options". However, the limitations to the extent that they recite such detail continue to read upon the Kariya/Hancock/Liu combination, and in particular, the way that Liu will show the "additional menu option with the predetermined menu option", since interfaces like Liu's were known in the art to generate a fixed- and geographically-variable display in a single menuing interface.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173
3 November 2005